

Remarks

Upon entry of the foregoing amendment, claims 1-19, and 21-33 are pending in the application, with claims 1, 15, and 27 being the independent claims. Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections, and that they be withdrawn.

Rejection Under 35 U.S.C. § 103

Claims 1-12, 14-19, 21, 22, 25, and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,954,625 to Crowley (hereinafter "Crowley") in view of U.S. Patent No. 6,970,689 to Khorram. Applicants respectfully traverse this rejection.

Applicants assert that Khorram, cannot be used to reject claims 1-15 under 35 U.S.C. § 103, due the prior art exception recited in 35 U.S.C. § 103(c). In particular, section 103(c) states that:

...subject matter developed by another person, which qualifies as prior art only under section 102(e) shall not preclude patentability under section 103 where the subject matter and the claimed invention were, at the time of the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

(35 U.S.C. § 103)

Both the present application and Khorram are assigned to the Broadcom Corporation. The inventors of the above-captioned application and the inventor of the Khorram patent were subject to an obligation to assign to Broadcom Corporation at the time the invention was made, as represented by assignments recorded at the USPTO. The recorded assignment of the Khorram patent to the Broadcom Corporation is found at Reel 012766 / Frame 0770, and is included herewith. The recorded assignment of the

above-captioned application from the inventors to Broadcom Corporation is found at Reel 014442 / Frame 0086, and is included herewith.

Accordingly, Khorram is not eligible as a prior art reference against the present application, and therefore Applicants request that the rejection under 35 U.S.C. § 103 be removed that claims 1-12, 14-19, 21, 22, 25, and 26 be passed to allowance.

Claims 13, 23, and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cowley (U.S. 6,954,625) in view of Khorram and in view of U.S. Patent No. 6,591,091 to Vorenkamp et al. (hereinafter "Vorenkamp"). Applicants traverse below.

As discussed above, Khorram is not eligible as a prior art reference for purposes of 35 U.S.C. 103. Vorenkamp is also assigned to Broadcom and therefore is not available as a prior art reference for purposes of 35 U.S.C. 103. A copy of the Vorenkamp assignment is included herewith. Accordingly, Applicants request that the rejection of claims 13, 23, and 24 under 35 U.S.C. § 103 be removed and that these claims be passed to allowance.

Claims 27-30 and 32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cowley in view of Khorram in view of U.S. Patent No. 6,678,012 to Belotsterkovsky (hereinafter "Belotsterkovsky"). As discussed above, Khorram is not eligible as a prior art reference for purposes of 35 U.S.C. 103(a). Accordingly, Applicants request that the rejection of claims 13, 23, and 24 under 35 U.S.C. § 103 be removed and that these claims be passed to allowance.

Claims 31 and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cowley (U.S. 6,954,625) in view of Khorram in view of Belotsterkovsky and in view of Vorenkamp.

As discussed above, Khorram is not eligible as a prior art reference for purposes of 35 U.S.C. 103(a). Vorenkamp is also assigned to Broadcom and therefore is not available as a prior art reference for purposes of 35 U.S.C. 103(a). Accordingly, Applicants request that the rejection of claims 31 and 33 under 35 U.S.C. § 103 be removed and that these claims be passed to allowance.

Other Matters: Declaration Under 35 U.S.C. § 131

In addition to the above remarks, Applicants also submit herewith a Declaration Under 37 C.F.R. § 131 that is executed by the Inventors. The Declaration Under 37 C.F.R. § 131 establishes that the invention of Applicant's claimed subject matter was completed prior to the date of August 21, 2003.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jeffrey T. Helvey
Attorney for Applicants
Registration No. 44,757

Date: 1/22/07

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
JTH/agj
SKGF\DCI\536629.1